IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

OP.No. 10094 of 2000(B)

PETITIONER:

K.V OUSEPH,
INSTRUCTOR GRADE II,
DEPARTMENT OF MECHANICAL ENGINEERING,
M.A. COLLEGE OF ENGINEERING, KOTHAMANGALAM.

BY ADV. SRI.M.V.PAULOSE
SRI. K. BALAKRISHNAN

RESPONDENTS:

1. DIRECTOR OF TECHNICAL EDUCATION,
THIRUVANANTHAPURAM.

2. REGIONAL JOINT DIRECTOR,
OF TECHNICAL EDUCATION,
KOTHAMANGALAM.

3. DY. ACCUNTANT GENERAL, (AUDIT)
THRISSUR.

4. PRINCIPAL,
M.A. COLLEGE OF ENGINEERING,
KOTHAMANGALAM.

5. C.K. ISAAC,
INSTRUCTOR GRADE I (NOW UNDER ORDERS OF PROMOTION AS
WORKSHOP SUPERINTENDENT.)
M.A. COLLEGE OF ENGINEERING,
KOTHAMANGALAM.

6. DIRECTOR, VIGILANCE AND ANTI-CORRUPTION BUREAU,
THIRUVANANTHAPURAM.

7. M.G. UNIVERSITY, REPRESENTED BY THE REGISTRAR,
PRIYADARSHINI HILLS,
ATHIRAMPUZHA, KOTTAYAM.

8. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF HIGHER EDUCATION,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.N.SUKUMARAN NAYAR(SR.)
SRI.R.RENJITH
SRI.M.T.SURESHKUMAR
SRI. S. VIJAYA KUMAR for R4
SRI. K.V. MANOJ, GOVERNMENT PLEADER for R1, R2, R3 & R6.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 29/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P NO. 16810/2000 IN O.P. NO. 10094/2000

DISMISSED

21.06.2007 SD/- KURIAN JOSEPH, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE REPRESENTATION DATED 12.05.1999 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

EXT.P2: TRUE COPY OF THE REPRESENTATION DATED 13.07.99 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

EXT.P3: TRUE COPY OF THE REPRESENTATION DATED 16.08.99 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.

EXT.P4: TRUE COPY OF THE JUDGMENT IN O.P. NO. 25025/1999 DATED 07.10.1999 BY THIS HON'BLE COURT.

EXT.P5: TRUE COPY OF THE COMMUNICATION NO. DP2/30134/99 DATED 04.01.2000 ISSUED BY THE 1ST RESPONDENT.

EXT.P6: TRUE COPY OF THE COMMUNICATION NO. CO-ORDN(AU)III/15-210 (MISC)441 DATED 17.01.2000 ALONG WITH THE FACT FINDING REPORT SUBMITTED BY THE 3RD RESPONDENT.

EXT.P7: TRUE COPY OF THE REPRESENTATION DATED 18.02.2000 SUBMITTED BY THE PETITIONER BEFORE THE 6TH RESPONDENT.

RESPONDENTS' EXHIBITS:

EXT.R5(a): TRUE PHOTOSTAT ORDER DATED 14.03.1980 ISSUED BY THE DEPUTY REGISTRAR (ACADEMIC) OF THE UNIVERSITY OF KERALA.

EXT. R5(b): TRUE PHOTOSTAT COPY OF THE COMMUNICATION DATED 27.10.2004 ISSUED FROM THE OFFICE OF THE PRINCIPAL ACCOUNTANT GENERAL (AUDIT) KERALA.

/True Copy/

P.A to Judge.

KURIAN JOSEPH , J

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O.P. NO. 10094 OF 2000

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Dated this the 29th day of June, 2007.

JUDGMENT

The writ petition is filed with the following prayers:

i) Call for the records leading to Ext.P5 and quash the same by the issue of a writ in the nature of certiorari or any other appropriate writ, direction or order.

ii) issue a writ in the nature of mandamus, directing the 1st respondent to implement Ext.P6 in so far as it relates to the promotion given to the 5th respondent.

iii) issue a writ the nature of mandamus or any other appropriate writ, direction or order directing the 1st respondent to investigate into the corruption pointed out in Ext.P7 in the light of Ext.P6 within a reasonable time limit this Hon'ble Court may deem fit to fix.

2. Both the petitioner and 5th respondent retired from service. According to the petitioner, the promotion granted to the 5th respondent is irregular. It is seen that the petitioner had approached the Director of Technical Education and the representation was rejected stating only that the complaint is baseless. The main contention of the writ petitioner is that no action was taken based on Ext.P6 report also. These are all contentions open to the petitioner to be taken before the

government, since the impugned action is only at the level of the Director of Technical Education, in case the petitioner is still interested and aggrieved.

3. In the event of the petitioner approaching the government, the grievance will be duly considered by the government and appropriate orders,adverting to the grievances of the petitioner, shall be passed with notice to the petitioner and the 4th,5th and 7th respondent. It will be open to the petitioner to raise all available contentions before the government.

The writ petition is disposed of accordingly.

KURIAN JOSEPH, JUDGE.

rv

KURIAN JOSEPH, JUDGE.

O.P. NO. 10094 of 2000

29th day of June, 2007

JUDGMENT